

EXHIBIT 2

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

BCO-067
No. 23-1779

IN RE: COINBASE, INC.,
Petitioner

Present: KRAUSE, PORTER and CHUNG, Circuit Judges

Respectfully,
Clerk/pdb

ORDER

In view of Coinbase’s request in its Reply in Support of the Petition for Writ of Mandamus for the alternative relief of ordering the SEC to submit periodic reports to the Court regarding the Commission’s progress on Coinbase’s petition for rulemaking, the Chair’s statements to both Congress and the public that current regulations are sufficient for digital assets, and the enforcement actions the SEC has recently filed against Coinbase and others without having ruled on Coinbase’s petition, the SEC is hereby ORDERED to submit a letter within seven days of this Order addressing the following issues:

- (1) whether the SEC has now decided to deny Coinbase’s petition for rulemaking;
- (2) if not, how much additional time the SEC requires to decide whether to grant or deny that petition; and
- (3) why this Court should not retain jurisdiction and (a) order periodic reports as Coinbase has proposed, and/or (b) establish a deadline by which the Court will rule on Coinbase’s Petition for Writ of Mandamus if the SEC has not yet granted or denied the petition for rulemaking.

Coinbase may but is not required to file a response within five days of the SEC’s filing. Each submission shall not exceed ten pages, double spaced.

By the Court,

s/ Cheryl Ann Krause
Circuit Judge

Dated: June 6, 2023
PDB/cc: All Counsel of Record